

Laura Steehler Nelson

From: John P. Davis, III [jpd@jgcg.com]
Sent: Thursday, August 11, 2005 12:00 PM
To: Laura Steehler Nelson
Subject: Re: Laymon v. Canada Life Request for Consent

Laura-

You may indicate my consent to your Motion, but ask that the extension be to September 15. I should be able to get you the administrative file early next week and that should give you ample time to prepare your case.

John

John P. Davis, III
Jones, Gregg, Creehan & Gerace, LLP
Suite 1200
411 Seventh Avenue
Pittsburgh, PA 15219-1905

(T) 412-261-6400, Ext. 139
(F) 412-261-2652

www.jgcg.com
www.jgcg.com/bios/davis.shtml

----- Original Message -----

From: "Laura Steehler Nelson" <lsnelson@elderkinlaw.com>
To: <jpd@jgcg.com>
Sent: Wednesday, August 10, 2005 3:33 PM
Subject: Laymon v. Canada Life Request for Consent

John,

I have entered an appearance in the Laymon v. Canada Life Assurance Company matter and have forwarded the entry or appearance to you via first class, regular mail, postage pre-paid. Please note that the appearance was entered and signed by another associate of the Elderkin Law Firm, Lori R. Miller, as I am still awaiting my login and password to file electronically in the federal courts.

With regard to our discussion on Tuesday, August 9, 2005, we have decided not to file the amended complaint at this time. After reviewing Larry Laymon's file delivered to us by Attorney Connelly, it appears that we do not have the administrative file from The Canada Life Assurance Company, upon which Mr. Laymon's long-term disability claim was denied. Therefore, we do not believe that we can properly assess the merits of Mr. Laymon's claim and thereby amend the complaint until we have seen his administrative file from Canada Life.

Please find attached a Motion for Extension of Time to Respond to Defendant's Motion to Dismiss for your review and consent. At this time, we would like to request your consent to this Motion so that we can receive Mr. Laymon's file from Canada Life and review it on the merits. If we believe that Mr. Laymon's claims are meritorious and are not pre-empted by ERISA, we will move to amend the complaint. If we do not believe that Mr. Laymon's claims are meritorious, we will consent to your Motion to Dismiss.

Please let me know if you have any questions or concerns on this matter. If you consent to this Motion, please indicate your consent by signing on your designated signature line and returning the signed form to me either via email in PDF form or by facsimile, Attention: Laura Steehler Nelson, (814)

EXHIBIT

B

454-7411. I would greatly appreciate a response from you by noon, tomorrow, August, 11, 2005. If I do not hear from you, I will file the Motion, but would still appreciate your consent. Thank you in advance for your time and attention to this matter.

<<Laymon -- Motion for Extension of Time and Consent.pdf>>
<<Laymon -- Exhibit A to Motion for Extension of Time.pdf>>

> Laura Steehler Nelson, Esquire
> Elderkin, Martin, Kelly & Messina
> 150 East 8th Street
> Erie, Pennsylvania 16501
> (814) 456-4000
> Fax: (814) 454-7411
> E-mail: lsnelson@elderkinlaw.com
>
>

> CONFIDENTIALITY NOTICE: The information contained in this electronic mail message is confidential information that may be covered by the Electronic Communications Privacy Act, 18 U.S.C. §§2510-2521, is intended only for the use of the individual or entity named above, and may be privileged. If you are not the intended recipient, you are hereby notified that any dissemination, disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail or at the telephone number provided above, and then delete all copies of this transmission. Thank you.
>